



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

BK2

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/291,358      | 04/14/1999  | KENJI MASAKI         | 325772200960        | 2014             |

7590 12/05/2001

MORRISON & FOERSTER LLP  
2000 PENNSYLVANIA AVENUE N. W.  
WASHINGTON, DC 200061888

EXAMINER

BHATNAGAR, ANAND P

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2623

DATE MAILED: 12/05/2001

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/291,358

Applicant(s)

MASAKI, KENJI

Examiner

Anand Bhatnagar

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Drawings***

1. The drawings are objected to for the reasons stated in the PTO-948.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

3. Claims 1-5, 7-12, 14, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuwata et al. (U.S. patent 6,151,410).

Regarding claims 1, 8, and 15:

An image processing method comprising of: judging the necessity/nonnecessity of correction of image data of a color image with respect to one or more items regarding the quality of the image data (corresponds to fig.1; where an image is first received, then the quality of color, contrast, and /or brightness is judged and then corrected for the color, contrast, and/or brightness if need be and then a corrected image is outputted).

Carrying out the predetermined correction processing with respect to the item judged as required to be corrected at the judging step; [corresponds to fig. 1 and col. 2 lines 63-66 where the

predetermined transformation (correction) is performed on the image with respect to color, contrast, etc].

For the limitation in claims 8 and 15 for a recording medium to carry out the process discussed (corresponds to fig. 2 to the CPU unit inside block 21 and the hard disk drive block 22 and col. 19 lines 48-64).

Regarding claims 2 and 9:

Wherein the necessity/nonnecessity of correction is judged based on the whole area of the image data (corresponds to fig. 1 block 10 and col. 7 lines 24-26 where the whole image is inputted for image processing and the whole corrected image is outputted).

Regarding claims 3 and 10:

Wherein the items include a sunset judgement used to judge whether the color image is a sunset scene or not [corresponds to col. 35 lines 16-20, col. 8 lines 42-47, and fig. 1 (judging means) where the image is checked for any presence of a sunset].

Regarding claims 4 and 11:

Wherein the items include a color covering judgement used to judge whether the whole of the color image is covered with a specific color or not (corresponds to col. 9 lines 13- 19 where a distribution of color components is made and a judgement made between the color components).

Regarding claims 5 and 12:

Wherein the items include a contrast judgement used to judge whether the color image has a normal contrast or not (corresponds to fig. 1 block 20 and col.19 lines 35-38 where the contrast is checked and calculated to what degree the contrast is off from normal and then corrected).

Regarding claim 7 and 14:

Wherein the necessity/ nonnecessity of correction is judged based on the items pieced together (corresponds to col. 10 lines 37-40 where the judgement is based on the pieces of color data are put together).

***Claim Rejections - 35 USC § 103***

4. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwata et al. (U.S. patent 6,151,410) in view of Suzuki (U.S. patent 5,742,410).

Regarding claims 6 and 13:

Wherein the items include a sharpness judgment used to judge the whether the color image has a normal sharpness or not.  
Kuwata et al. discloses to perform image processing on color images by analyzing certain aspects of the image such as contrast, color, and brightness, then make a judgement on the image

features if they are normal or correction is needed, and then send them to the respective correction units for correction if needed.

Kuwata et al. does not disclose to analyze the sharpness feature of the color image. Suzuki teaches to judge the image for sharpness and make correction if necessary (Suzuki, col. 1 lines 56-60 and col. 2 lines 4-5). It would have been obvious to one skilled in the art to combine the teaching of Suzuki to that of Kuwata et al. because they are analogous in automatically performing image analysis on a color image, making a judgement on the features, and correcting the features which need to be fixed. One in the art would have been motivated to modify the color image processing apparatus of Kuwata et al. with the sharpness judging unit and sharpness correction unit of Suzuki (Suzuki, fig. 27 units 6 and 8 respectively) in order to correct for pixel deviations (image deviations) that may occur at the time of image reading (Suzuki, col. 1 lines 10-12).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shiraiwa et al. (U.S. patent 6,201,893) for image reproduction method.

Kuwahara (U.S. patent 5,317,420) for image noise removal processing center.

Art Unit: 2623

Kawano (U.S. patent 6,256,112) for device to detect color type.

Mizoguchi (U.S. patent 6,272,259) for image correction and flaw detection.

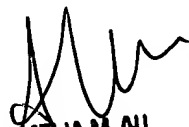
6. Any inquiry concerning this communication should be directed to Anand Bhatnagar whose telephone number is 703-306-5914, whose supervisor is Amelia Au whose number is 703-308-6604, group receptionist is 703-305-4700, and group fax is 703-872-9314.

AB

Anand Bhatnagar

Art Unit 2623

December 3, 2001

  
AMELIA M. AU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600